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South Carolina House of Representatives

J. Johnson
Landrum

Legislative Update

David H. Wilkins, Speaker of the House

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CONTENTS

Week in Review	02
House Committee Action.....	04
Bills Introduced in the House This Week	06

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WEEK IN REVIEW – FEBRUARY 1 - 5, 1999

HOUSE FLOOR

The House of Representatives amended and sent to the Senate H.3108, the Truth in Sentencing / Advisory Sentencing Guidelines bill. This bill extends the provisions of Truth in Sentencing to all crimes in South Carolina requiring that offenders serve a minimum of eighty-five percent of their sentence. (Act 83 of 1995 provided Truth in Sentencing for only those offenses with maximum possible penalties of twenty years or more.) This bill also phases out parole, and offenders who commit their crimes after the effective date of this bill will not be eligible for parole release.

H.3108 also establishes Advisory Sentencing Guidelines to complement Truth in Sentencing for all offenses with maximum possible penalties of one year or more. Guidelines weigh the seriousness of the current offense with the offender's prior record to determine an appropriate sentence. Generally, the Guidelines recommend longer prison sentences for more serious and violent offenders while recommending community punishments for less serious offenders.

The House adopted an amendment to H.3108 proposed by the Judiciary Committee which requires a defendant to be put under oath when testifying regarding the accuracy of his or her prior criminal record at sentencing. Under this amendment, the State may move to reconsider a defendant's sentence within one hundred eighty days of sentencing, if it can be proven that the defendant willfully provided false information regarding his or her prior criminal record. Also under this amendment, false information provided by a defendant may be considered an aggravating circumstance which may provide cause for deviating upward from the sentence recommended under the guidelines.

By adopting the Judiciary Committee amendment, the House also added to H.3108 The South Carolina Truth in Military Confinement Act. Under this legislation, military personnel who are sentenced to a period of confinement pursuant to a general, special, or summary court martial would serve the full term of confinement, without possibility for early release.

The House also amended and sent to the Senate H.3062, which, as amended, provides that a state agency establish, collect, and retain a fine to cover the charges associated with a check dishonored due to insufficient funds. Under this legislation, a state agency "must attempt to collect a dishonored check," and is authorized to retain collected revenues equal to the face amount of the dishonored check as well as a twenty-five dollar service charge. Any unused amounts must be deposited in the general fund at the end of the fiscal year.

The House gave final reading to S.332 which ratifies the amendment to the South Carolina Constitution approved by voters at the general election to remove from the constitution the language which prohibits interracial marriage.

The House also sent to the Senate H.3443 which establishes a "no wake zone" along portions of the Waccamaw River which prohibits watercraft from traveling through the area at high speeds.

SENATE FLOOR

The Senate sent to the House S.1, a joint resolution proposing two amendments to the South Carolina Constitution which would allow voters to decide the fate of two of the state's major gambling issues at the next general election. First, the joint resolution proposes to amend the State Constitution so as to remove the current prohibition on lotteries and, instead, authorize lotteries to be conducted only by the state with the net proceeds to be used solely to support improvements and enhancements to the state's educational system. Net lottery proceeds would be deposited in a separate Lottery for Education Account and could be expended for such purposes as: capital projects for public pre-kindergarten through twelfth grade educational facilities; pre-kindergarten initiatives; tuition grants, scholarships, and loans to state citizens for attending institutions of higher learning in the state; educational shortfall reserves; and, teacher professional development programs. Secondly, the joint resolution proposes to amend the State Constitution so as to provide that the operation of a video game with a free play feature is prohibited. Under the legislation, both the proposed lottery and video poker amendments would be placed before the voters as ballot questions at the general election of 2000.

On Tuesday, February 2, the following bills were read for the third time and ordered sent to the House:

- (1) S.294 a bill that allows the appropriate division of the Office of Governor to submit recommendations concerning foster care policies, procedures, and deficiencies of agencies to the governor as well as to the General Assembly;
- (2) S.332 a bill that ratifies an amendment to the State Constitution which deletes the prohibition of a marriage between a White and Negro or Mulatto,
- (3) S.352 a bill that ratifies an amendment to the State Constitution relating to the qualifications of Senators and Members of the House,

The Senate returned H.3259 to the House with amendments. The joint resolution allows a state individual income tax deduction for retirement income, not to exceed three thousand dollars a year, for taxable years 1994 through 1997, for taxpayers who elected to defer a retirement income deduction until age sixty-five or who failed to make such an election.

On Wednesday, the Senate amended and gave second reading with notice of general amendments to S.150 a bill relating to license plates for members of the South Carolina National Guard.

HOUSE COMMITTEE ACTION

AGRICULTURE, NATURAL RESOURCES, AND ENVIRONMENTAL AFFAIRS

The full Agriculture, Natural Resources, and Environmental Affairs Committee did not meet this week.

EDUCATION AND PUBLIC WORKS

The Education and Public Works Committee gave a favorable recommendation with technical amendments to H.3082. This bill requires that, beginning with school year 1999-2000, school districts shall establish, maintain, and operate alternative school programs for certain students in grades 6-12 who have been expelled from school or who have been referred to the school under circumstances specified in the bill. The bill provides requirements and procedures which local school boards must follow in the operation of these schools, and provides that funding for the schools shall come from federal, state, and local funds that would be allocated to a student's school if the student were attending the student's regularly assigned school, and from additional General Assembly funding to be included in the Education Finance Act.

JUDICIARY

The full Judiciary Committee gave a favorable recommendation to H.3288. This bill ratifies an amendment to the State Constitution that deletes the prohibition against a marriage between a white person with a Negro, mulatto, or person with one-eighth or more of Negro blood.

H.3031 was tabled in the full Judiciary Committee meeting. This bill requires school board trustees to be elected in nonpartisan elections beginning in the year 2000. Unless local law differs, the entity charged by law with setting the election date for school board trustees may choose to hold the nonpartisan elections in either even-numbered or odd-numbered years. However, the bill does state that the elections must be held on the Tuesday after the first Monday in November. Unless otherwise provided by local law, the term of office for school board trustees is four years. School board trustees continue to serve until their successors are elected and qualify. The bill outlines how to nominate school board trustee candidates in both partisan and nonpartisan elections. Unless otherwise provided by local law, the elections provided for in the bill should be conducted pursuant to *South Carolina Code of Laws* Title 7. There are also provisions in the bill for determining election results and for filling vacancies through nonpartisan elections.

The full Judiciary Committee recommitted H.3079 to the General Laws Subcommittee. Currently, the provisions of *South Carolina Code of Laws* Title 23, Article 31 (Firearms) apply to manufacturers of machine guns or military firearms licensed pursuant to federal law. Under this bill, the provisions in *South Carolina Code of Laws* Title 23, Article 31 (Firearms) would not apply to any dealer or person licensed or holding a valid permit issued pursuant to federal law.

The full Judiciary Committee recommitted H.3056 to the Constitutional Laws Subcommittee. Under this bill, a summoned juror is considered delinquent when he or she does not appear in magistrate's court within forty-eight hours of the time he or she was summoned to appear before the court. Currently, a person is not required to serve on a jury in magistrate's court more than once during a three-month period. Under this bill, a person would not be required to serve on a jury in a magistrate's court more than once every three calendar years.

The full Judiciary Committee adjourned debate on H.3035 to the Criminal Laws Subcommittee. This bill authorizes municipal court judges to order restitution in an amount not to exceed five thousand dollars. Currently, a magistrate may order restitution in any amount he or she deems appropriate. Under this bill, five thousand dollars is the maximum amount of restitution that a magistrate may order a defendant to pay.

LABOR, COMMERCE AND INDUSTRY

The House Labor, Commerce and Industry Committee gave a favorable report to two bills.

S.399 is a bill designed to allow the new automobile insurance rate filing system provided under the comprehensive automobile insurance restructuring of Act 154 of 1997 to proceed according to the schedule intended by the General Assembly. Act 154 of 1997 allows auto insurers a "file and use" option under which rate increases or decreases which differ from current rates by no more than seven percent may go into effect without a prior approval process. A recent action by the South Carolina Supreme Court would subject insurers to the present approval and notification process for rate changes until March 1, 1999, when the new system provided under Act 154 of 1997 takes effect. In response, S.399 would allow the new rate filing system to take effect immediately to allow auto insurers to prepare for the impending revisions to the state's automobile insurance system.

H.3415 raises the hours of classroom instruction which must be completed before applying to take a license examination as a real estate salesman or broker. The requirement for a salesman is raised from thirty to sixty hours of pertinent classroom instruction, and the requirement for a broker is raised from one hundred twenty to one hundred fifty hours, with ninety, rather than sixty, of those hours devoted to advanced real estate principles and practices and related topics.

MEDICAL, MILITARY, PUBLIC AND MUNICIPAL AFFAIRS

The full 3-M Committee met to elect a Third Vice-Chair, to receive a report regarding Occupational Regulation and Licensing Boards, and to consider two regulations. No bills were considered.

WAYS AND MEANS

The full Ways and Means Committee did not meet this week.

BILLS INTRODUCED IN THE HOUSE THIS WEEK

AGRICULTURE, NATURAL RESOURCES, AND ENVIRONMENTAL AFFAIRS

S.118 SALE OF FERRETS Sen. Mescher

This bill deletes South Carolina's current statutory prohibition on selling ferrets as pets. The bill further provides that ferrets sold in this State must be vaccinated annually, and purchasers of a domesticated ferret must be provided with a notice of specified size which states that "FERRETS HAVE A PROPENSITY TO MAKE UNPROVOKED ATTACKS THAT CAUSE BODILY INJURY TO A HUMAN BEING."

H.3418 FORESTRY PROGRAMS Rep. Sharpe

This bill deletes the provision that county forestry boards shall review, revise and adopt the annual forest fire protection plan. The bill also deletes the requirement that all county forest fire protection officers shall be *retained or dismissed* only with the consent of the county forestry board (the board), but does not delete the current provision that these officers shall be *employed* only with the consent of the board. The bill deletes towermen from the list of forest fire protection officers whose employment requires the consent of the board, and deletes the requirement that towermen must be residents of the county in which they are so employed. The bill does not change the current requirement that the State Commission of Forestry (the Commission) shall prepare a plan for forest fire protection, but the bill does delete the requirement that the Commission prepare such a plan for each county board for the fiscal year and present the plan at the July meeting of the board.

H.3432 HUNTING MIGRATORY BIRDS Rep. Campsen

This bill provides that it is unlawful to hunt migratory birds with a shotgun capable of holding more than three shells, unless (1) it is plugged with a one-piece filler that is incapable of removal without disassembling the gun, and (2) its total capacity does not exceed three shells. The term "disassembling the gun" is defined in this bill. Penalties are established for failure to comply.

H.3434 SOUTH CAROLINA SURFACE WATER WITHDRAWAL AND REPORTING ACT/ GROUNDWATER USE AND REPORTING ACT Rep. Campsen

Currently, the threshold amount of water withdrawal requiring registration with the Department of Health and Environmental Control (DHEC) is 0.1 million gallons per day. Under this bill, the threshold amount of water withdrawal requiring registration with DHEC would be 3 million gallons per month.

Currently, the categories of water users required to register include the following: withdraw, purchase, obtain, utilize, and discharge. Under this bill, only water withdrawers would be required to register. Also, under this bill water withdrawers would report to DHEC annually rather than quarterly. This bill further revises reporting requirements during drought conditions.

Currently, DHEC is notified after a well of a certain depth is drilled. This bill requires notification to DHEC thirty days prior to drilling a well at certain depths. This bill also establishes a public notification process in order to drill a well at certain depths.

Currently, a local government or county government may initiate the designation of a critical use area. Under this bill, a local government or county government or DHEC may initiate the designation of a critical use area. Currently, permit criteria for a critical use area is based upon DHEC guidelines. Under this bill, permit criteria for a critical use area may be based on a locally developed plan.

This bill provides penalties for failure to comply to certain sections.

**H.3443 NO WAKE ZONE ON PORTIONS OF THE
WACCAMAW RIVER Rep. Barfield**

This bill establishes a no wake zone on portions of the Waccamaw River in Horry County.

**H.3469 HUNTING, FISHING, TRAPPING ON LANDS OR PRIVATE
WATERS Rep. Witherspoon**

This bill prohibits hunting, fishing, or trapping on lands or private waters (or entering upon these lands or waters for the purpose of hunting, fishing, or trapping) without permission from the owner or his agent. The bill provides penalties for violation of these provisions.

**H.3475 LIMITS ON TAKING DOLPHIN GAMEFISH
AND HARVESTING AQUATIC GRASS Rep. Limehouse**

This bill establishes limits on taking dolphin gamefish and prohibits harvesting, possessing, transporting, processing, or selling the floating aquatic grass known as *Sargassum*. The bill states that *Sargassum* is an important habitat for dolphins and other marine species.

EDUCATION AND PUBLIC WORKS

H.3416 PURPLE HEART HIGHWAY Rep. Rodgers

This concurrent resolution establishes a Purple Heart Highway and provides for erecting appropriate markers as a means of honoring combat-wounded veterans who have received the Purple Heart medal. The highway would start at the South Carolina - Georgia line, extending eastward past Columbia to Florence, linking up with I-95 and extending northward to the South Carolina - North Carolina line and south to the South Carolina - Georgia line. The resolution requests that the Governor issue a specified proclamation and the resolution provides for an opening ceremony at the State House on George Washington's birthday, in the year 2000, and provides for subsequent ceremonies at the actual placement of signs or markers.

S.412 NAMING OF BRIDGE FOR DR. MARTIN LUTHER KING, JR. Sen. Glover

This joint resolution requests that the SC Department of Transportation (SCDOT) name a certain bridge in Florence, South Carolina, in honor of Dr. Martin Luther King, Jr., and requests that SCDOT erect, within a specified time, signs and markers that are approved by the Florence County Legislative Delegation.

H.3428 EMPLOYEE CONTINUING EDUCATION Rep. Meacham

This bill provides that any business whose principal office is located in South Carolina which requires its employees to attend continuing education courses at state

institutions and which pays for these courses is entitled to pay in-state tuition rates for cost of these courses whether or not the employees attending are domiciled in this State.

H.3430 PAYMENT OF MUNICIPAL PARKING METER FEES Rep. Rodgers

This bill exempts recipients of the Purple Heart (when their vehicles bear a disabled veteran's or Purple Heart license plate) from the payment of municipal parking meter fees.

H.3441 SONS OF CONFEDERATE VETERANS LICENSE PLATES Rep. Cooper

This bill provides for the issuance of special license plates for members of the Sons of Confederate Veterans. The bill provides for the design of the plates, for the fee to be charged, and for a required minimum number of applications requesting the plates before the plates may be developed.

H.3455 MINIMUM AGE TO OBTAIN SPECIAL IDENTIFICATION CARD Rep. Lloyd

This bill revises from ten years to five years the required minimum age for a person to apply to the Department of Public Safety for a special identification card.

H.3461 SPECIAL LICENSE PLATES FOR MARINE CORPS LEAGUE Rep. Keegan

This bill provides for the issuance of special license plates for members of the Marine Corps League. The bill also provides for the fee to be charged for the plate, as well as for a minimum number of applications for the plate which must be received before the plate is issued.

JUDICIARY

H.3419 SOUTH CAROLINA SHOOTING RANGE PROTECTION ACT OF 1999

Rep. Klauber

This bill creates the South Carolina Shooting Range Protection Act of 1999. Specifically, this bill defines the terms "shooting range" and "substantial change in use." H.3419 regulates nuisance actions for noise brought by property owners against shooting ranges. This bill also provides conditions and limitations for the regulation of noise control of a shooting range by a county or municipal ordinance. This bill does not prohibit a local government from regulating the location and construction of a shooting range.

H.3420 FIREARMS Rep. Klauber

Under this bill, the right and authority to sue a firearms manufacturer, firearms trade association, or firearms dealer on behalf of

- (1) the State,
- (2) its agencies and instrumentalities,
- (3) a county,
- (4) a municipality,
- (5) a special purpose district, or
- (6) any other political subdivision

in cases arising out of or resulting from the lawful design, marketing, or sale of firearms to the public is reserved to the State. However, this bill does not prohibit actions for breach of contract or warranty in connection with firearms purchased by a county, municipality, special purpose district, or other political subdivision.

This bill also provides limitations on liability for persons under the United States Code in cases arising from the use of a firearm by a person other than the licensee.

H.3421 OFFICIAL MUSIC OF THE STATE Rep. Campsen

This bill designates the spiritual as the official music of the State.

**H.3423 STUDENTS ADJUDICATED DELINQUENT OR CONVICTED
OF CRIMINAL SEXUAL CONDUCT OR ASSAULT AND
BATTERY OF A HIGH AND AGGRAVATED NATURE Rep. W. McLeod**

This bill prohibits a student adjudicated delinquent or convicted of criminal sexual conduct or assault and battery of a high and aggravated nature from enrolling in or attending a school in which a victim of the offense is enrolled.

**H.3442 MONUMENTS AND MEMORIALS FOR CERTAIN WAR
VETERANS Rep. Cooper**

This bill makes it unlawful to disturb, interfere, or remove monuments or memorials for certain war veterans. Penalties are established for failure to comply.

**S.352 QUALIFICATIONS OF SENATORS AND MEMBERS OF THE HOUSE OF
REPRESENTATIVES Sen. Moore**

This bill ratifies an amendment to the State Constitution so as to provide that a candidate for the Senate or House of Representatives must be a legal resident of the district in which he or she is a candidate at the time he or she files for the office.

H.3444 PRESIDING OFFICER OF THE JOINT ASSEMBLY Rep. Altman

This concurrent resolution proposes that when the Senate and House of Representatives meet in Joint Assembly that the President of the Senate and the Speaker of the House shall preside and discharge duties of the presiding officer of the Joint Assembly on an alternating basis.

**H.3456 DEFERRED PRESENTMENT SERVICES AND CHECK CASHING SERVICES
Rep. Cobb-Hunter**

This bill amends *South Carolina Code of Laws* §34-11-60, relating to the drawing or uttering a fraudulent check, draft, or other written order, so that the section does not apply to a check given to a deferred presentment service or a check cashing service.

This bill amends *South Carolina Code of Laws* §34-11-70, relating to evidence of fraudulent intent and prosecution for issuance of a fraudulent check, draft, or other written order, so as to provide that a commercial agent for collection of an obligation paid for with a fraudulent check, draft, or other written order does not have the same rights as the original payee, unless the check, draft or other instrument has been endorsed over to the agent for collection for value and without reservation of rights.

H.3456 provides that deferred presentment services and check cashing services may not rely on the civil or criminal remedies available in *South Carolina Code of Laws* Chapter 11, Title 34 for prosecuting or civilly enforcing payment of a fraudulent check.

H.3457 FAILURE TO STOP A MOTOR VEHICLE WHEN SIGNALLED BY LAW ENFORCEMENT Rep. Leach

This bill increases the penalties for failure to stop a motor vehicle when signaled by a law enforcement officer. This bill also eliminates the ability to expunge a conviction for a first offense.

H.3462 DRIVING UNDER THE INFLUENCE Rep. Easterday

This bill amends *South Carolina Code of Laws* §56-5-2930, relating to driving under the influence, so as to create the offense of gross intoxication. Under this bill, it may be inferred that a person is grossly intoxicated when that person has more than sixteen one-hundredths of one percent by weight of alcohol in his or her blood.

This bill provides for enhanced penalties for a person who has more than sixteen one-hundredths of one percent by weight of alcohol in his or her blood. This bill also provides for enhanced penalties relating to driver's license suspension period for a person who is guilty of gross intoxication.

Under this bill, a person (1) who is guilty of driving while intoxicated, and (2) at the time of the offense had more than sixteen one-hundredths of one percent by weight of alcohol in his or her blood, may not receive a provisional driver's license.

H.3464 PURCHASE OF BEER OR WINE AS PART OF A LAW ENFORCEMENT INVESTIGATION Rep. Easterday

If a person between the ages of eighteen and twenty purchases beer or wine as part of a law enforcement investigation, this bill provides that the person does not have to be charged with a violation of *South Carolina Code of Laws* §§20-7-8920 or 61-4-60.

H.3465 MINIMUM AGE FOR A VALID MARRIAGE Rep. Easterday

This bill amends *South Carolina Code of Laws* §20-1-100, relating to the minimum age for a valid marriage, so as to provide that the minimum age for both males and females is sixteen.

H.3470 PARDONS Rep. Altman

This bill requires an order of pardon to provide for the destruction of certain information contained in the pardon applicant's criminal record.

LABOR, COMMERCE AND INDUSTRY

S.399 AUTOMOBILE INSURANCE RATE FILING Sen. McConnell

This bill is designed to allow the new automobile insurance rate filing system provided under the comprehensive automobile insurance restructuring of Act 154 of 1997 to proceed according to the schedule intended by the General Assembly. Act 154 of 1997 allows auto insurers a "file and use" option under which rate increases or decreases which differ from current rates by no more than seven percent may go into effect without a prior approval process. A recent action by the South Carolina Supreme

Court would subject insurers to the present approval and notification process for rate changes until March 1, 1999, when the new system provided under Act 154 of 1997 takes effect. In response, S.399 would allow the new rate filing system to take effect immediately to allow auto insurers to prepare for the impending revisions to the state's automobile insurance system.

H.3417 HEALTH INSURANCE COVERAGE FOR MENTAL HEALTH CONDITIONS

Rep. Harvin

This bill provides that a health insurance plan must provide coverage for treatment of mental health conditions, including alcohol or substance abuse, and must not establish any rates, terms, or conditions which places a greater financial responsibility on the insured for access to treatment for a mental health condition than for access to treatment of a physical health conditions. A health insurance plan which does not otherwise provide for management of care, or does not provide managed care for treatment of all conditions, may provide coverage for treatment of mental health conditions through a managed care organization. The bill establishes qualifications for entities which deliver covered mental health or alcohol or substance abuse treatment. Before July 1, 2001, the Department of Insurance shall report to the General Assembly on the estimated impact of this legislation on health insurance costs, actions taken by the department to assure that insurers are in compliance, and the segments of the state's population who may be excluded from coverage of treatment for mental health conditions and alcohol or substance abuse.

H.3433 "WORKERS' FREEDOM OF CONSCIENCE ACT" Rep. Campsen

This bill limits the way in which unions and other labor organizations may expend funds for lobbying, electoral, and political activities not bearing upon the ratification or implementation of a collective bargaining agreement. Under the legislation, a labor organization may only make such political expenditures through an entirely separate, financially self-supported fund which contains no dues, fees, withholdings, or deductions. The fund may contain only monies which have been independently and overtly solicited specifically for the segregated fund from members and their immediate families. It is unlawful for a labor organization to make a political contribution that has been obtained through coercion, force, threat, discrimination, or through such incentives as bonuses or awards. It is unlawful for a labor organization to make a political contribution which has been obtained through a commercial transaction. Such a political contribution fund must be registered as a political action committee and regulated accordingly. A violator is guilty of a misdemeanor and subject to a fine of not less than one thousand nor more than three thousand dollars for each violation.

H.3435 WORKERS' COMPENSATION FOR LAW ENFORCEMENT OFFICERS

Rep. Knotts

This bill revises the current workers' compensation law under which it is presumed that the heart and respiratory diseases experienced by firefighters occur as a result of their carrying out their employment duties. The bill expands this legal presumption so as to include law enforcement officers as well as firefighters.

H.3440 GENERAL OR MECHANICAL CONTRACTORS Rep. Cooper

Under current law, it is unlawful to perform contracting work in which construction costs exceed five thousand dollars without a general contractor's license or a mechanical contractor's license. This bill raises these construction cost thresholds,

such that a general contractor's license is required for work where construction costs exceed forty-five thousand dollars, and a mechanical contractor's license is required for work where construction costs exceed thirty-five thousand dollars.

MEDICAL, MILITARY, PUBLIC AND MUNICIPAL AFFAIRS

S.294 DIVISION FOR REVIEW OF THE FOSTER CARE OF CHILDREN Sen. Wilson

The Division for Review of the Foster Care of Children currently is required to provide recommendations to the General Assembly with regard to foster care policies, procedures, and deficiencies of public and private agencies which arrange for foster care of children. This bill provides that these recommendations must also be provided to the Governor.

H.3427 OCCUPATIONAL THERAPY LICENSES Rep. G. Brown

This bill clarifies current statutory language concerning licensure of occupational therapists and occupational therapy assistants whose licenses have been inactive for three years or more. The bill also provides that (in addition to other current requirements) an examination be "completed," "if necessary," for reactivation of such inactive licenses. Current law requires that occupational therapists and occupational therapy assistants whose licenses have been active for more than three years "must pass" an examination before their licenses may be reactivated.

H.3431 LICENSING FOR MASSAGE/BODYWORK THERAPISTS Rep. Cooper

This bill exempts from continuing education requirements a massage/bodywork therapist who has practiced in South Carolina for twenty-five years or more.

H.3477 MODEL LEGISLATURE ON AGING ISSUES Rep. Neilson

This bill creates an annual model legislature on aging issues to be administered by the South Carolina Silver Haired Legislature, Inc. The bill provides purposes for this legislature and requires that participants must be sixty-five years of age or older and must be selected pursuant to procedures adopted by the South Carolina Silver Haired Legislature, Inc. in coordination with the state's network of aging programs.

WAYS AND MEANS

H.3422 STATE OFFICER/EMPLOYEE MILEAGE REIMBURSEMENT Rep. H. Brown

This bill provides that employer-paid reimbursements to a state officer or employee for mileage expenses incurred in the performance of official duties must be paid at a rate per mile that does not exceed the standard business mileage rate established by the Internal Revenue Service as that rate is periodically established. The specific rate of mileage reimbursement to state officers and employees has previously been included as a proviso in Part 1B of the State Appropriation Act.

H.3436 ADVANCEMENTS TO RETIREES Rep. Robinson

This bill deletes the option allowing the advancement to a retiree of the SC Retirement System and the SC Police Officer's Retirement System, of an amount for inclusion in the retiree's monthly allowance equivalent to the retiree's estimated Social Security

Benefit. This bill is effective on the first day of the sixth month following its approval by the Governor, and its provisions apply to members of these systems retiring on or after that date.

H.3437 AUTHORITY TO ALLOW HOMESTEAD EXEMPTION Rep. Vaughn

Current law authorizes any incorporated municipality to allow an additional unreimbursed homestead exemption from municipal taxes to persons age sixty-five and over or persons who are permanently and totally disabled or legally blind. This bill extends this authority to all political subdivisions of the State, including school districts.

H.3438 PROPERTY TAX EXEMPTIONS Rep. Bales

This bill provides an exemption from property tax for an amount of fair market value of real property sufficient to limit to fifteen percent increases in the value of such property attributable to countywide reappraisal and equalization programs. This exemption does not apply to real property valued for property tax purposes by the unit valuation method, nor does it apply to value attributable to permanent improvements made any time after the implementation of the most recent countywide equalization program. The bill provides that the exemption is not transferred with the property, and the bill provides circumstances which do not constitute a transfer for purposes of the bill.

H.3439 USC-CLEMSON FOOTBALL GAME Rep. Altman

This bill provides that the annual USC-Clemson football game must be called the South Carolina Thanksgiving Bowl and must be played on Thanksgiving Day on a home and home basis, beginning at Clemson in the year 2000.

H.3445 DEBT LIMIT ON INSTITUTION BONDS Rep. Keegan

This bill repeals the current \$120 million limit on outstanding state institution bonds.

H.3458 "INFORMATION TECHNOLOGY ACCESS ACT" Rep. Harvin

This bill requires the Office of Information Resources of the State Budget and Control Board to establish procedures and procurement requirements ensuring access of blind or visually impaired individuals to information technology equipment and software which is provided by the State or State-assisted organizations for use by employees, program participants, and the general public. The bill provides for a phased-in implementation of the procurement of nonvisual access technology, and provides for injunctive relief for enforcement of a violation of the provisions in the bill.

H.3459 RETIREMENT SERVICE CREDIT FOR TEACHERS Rep. Fleming

This bill provides that a public school teacher who is a member of the SC Retirement System may establish service credit for time teaching as a certified teacher in a private school in South Carolina in the same manner and at the same cost that credit may be established for "out-of-state service." (Current statutory requirements for establishing credit for out-of-state service include, but are not limited to, a lump sum contribution toward a special annuity.) The bill also provides a definition for "private schools."

H.3460 STATE INCOME TAX DEDUCTIONS FOR SUBSISTENCE ALLOWANCE Rep. Keegan

This bill increases from five dollars a day to ten dollars a day the subsistence allowance deduction allowed federal, state, and local law enforcement officers and full-time firefighters and emergency medical personnel.

H.3463 *USE OF CONSTITUTIONAL RESERVE FUNDS* Rep. Easterday

The SC Constitution currently provides that purposes for which capital reserve funds may be used include: a) to finance in cash previously authorized capital improvement bond projects; b) to retire interest or principal on bonds previously issued; and c) for capital improvements or other nonrecurring purposes. This joint resolution proposes an amendment to (c), as above written, so that that section would read "for capital improvements of state agencies, departments, or institutions only for the acquisition or improvement, or both, of real property or for other nonrecurring emergency purposes as a result of natural disasters or catastrophes."

H.3466 *PROPERTY TAX REASSESSMENT* Rep. Hawkins

This bill requires the SC Department of Revenue to review the rollback millage as calculated and imposed by each property taxing jurisdiction in a county following the implementation of a countywide reassessment program. The bill requires that excess property tax revenues received from each individual taxpayer resulting from millage incorrectly imposed be held in a separate fund and designated to that taxpayer's credit to be used (along with its interest accrued) only to offset the property tax due from that taxpayer the next property tax year.

H.3473 *INCOME TAX CREDITS/CRITICAL LAND HABITATS FOR THREATENED OR ENDANGERED SPECIES* Rep. Meacham

This bill establishes an income tax credit for costs approved by the Department of Natural Resources (DNR) which are incurred by a taxpayer for habitat management or construction and maintenance of improvements to land designated by DNR as critical habitat for threatened or endangered species. The bill also authorizes DNR to designate certain land as critical habitat for threatened or endangered species or as land known to support populations of species in need of conservation, and the bill provides that DNR shall promulgate regulations providing for such designation and shall promulgate regulations which will qualify a taxpayer for income tax credit for the above-referenced costs.

H.3474 *LOCATIONS FOR VIDEO GAMES WITH A FREE PLAY FEATURE* Rep. Beck

This bill provides clarification to the current statutory proximity restrictions on locations with video games with a free play feature to schools, kindergartens, parks, playgrounds, colleges and universities, and churches. The bill adds language providing that the distance must be computed from the nearest points that the two properties approach each other.

H.3476 *CREDITED SERVICE FOR SC RETIREMENT SYSTEMS* Rep. Wilder

This bill provides that for purposes of credited service for the SC Retirement System and the Police Officers Retirement System, "active military duty" includes service in the selected reserve of any of the reserve components of the armed forces of the United States. The bill also provides requirements for establishing such service, prohibits establishing active military service that overlaps with State Retirement System service credit, and deletes the restrictions applicable to duplication of benefits for National Guard Service.

H.3478 VIDEO POKER MONITORING Rep. Neilson

This concurrent resolution urges the Department of Revenue to implement as quickly as possible the "long-delayed" monitoring requirements for video games with a free play feature.

The *Legislative Update* is on the Worldwide Web. Visit the South Carolina General Assembly Home Page (www.lpitr.state.sc.us) and click on the "Quick Find Guide." On the next screen, click on "Legislative Updates." This will list all of the *Legislative Updates* by date. Click on the date you need.

SPECIAL NOTE: A cumulative index to the weekly issues of the *Legislative Update* has been added to the *Legislative Update* page on the Worldwide Web. Bills are listed in numerical order in this index. Each bill number is followed by a list of hypertext links (in chronological order) to every reference to that bill in any issue of the *Legislative Update* during the current session, 1999-2000. This is an easy way (just click on the links) to find summaries of bills introduced into the House and to follow the progress of a bill through House committees and on the floors of the House and Senate.

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